

Application No. 10/798,738
Preliminary Amendment dated June 16, 2006
Attorney Docket No. 04-13259



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/798,738
Applicant: Andrew SCHWARTZ
Filing Date: March 10, 2004
Title: METHOD OF PLAYING GAME

TC/A.U.: Not yet assigned
Examiner: Not yet assigned

Docket No. 04-13259

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

**RESPONSE TO ELECTION REQUIREMENT AND
PRELIMINARY AMENDMENT**

Dear Sir/Madam:

In response to the April 17, 2006 Office Action, Applicant hereby elects Group II, the method claims 21-33, and cancels claims 1-20 and 34-37 (Groups I and III) without prejudice to any current or future patent application covering the same or similar subject matter.

Preliminary to any substantive examination of the elected method claims, however, Applicant respectfully requests the Examiner further cancel these original method claims 21-33 and replace them with the new claims recited below, again, without prejudice to any or future patent application covering the same or similar subject matter:

Amendments to the Specification. None.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Amendments to the Drawings. None.

Remarks/Arguments begin on page 7 of this paper.



PTO/SB/06 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| PATENT APPLICATION FEE DETERMINATION RECORD | | | | | | Application or Docket Number 04-13259 | | | |
|---|---|------------------------------------|---------------|-----------------|---------------------|---|---------------------|-------------------------------|--|
| Substitute for Form PTO-875 | | | | | | | | | |
| APPLICATION AS FILED – PART I | | | | | | | | | |
| (Column 1) | | (Column 2) | | SMALL ENTITY | | OR OTHER THAN SMALL ENTITY | | | |
| FOR | NUMBER FILED | NUMBER EXTRA | | RATE (\$) | FEE (\$) | RATE (\$) | FEE (\$) | | |
| BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A | | N/A | | N/A | | | |
| SEARCH FEE (37 CFR 1.16(k), (l), or (m)) | N/A | N/A | | N/A | | N/A | | | |
| EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A | | N/A | | N/A | | | |
| TOTAL CLAIMS (37 CFR 1.16(i)) | 37 | minus 20 = | 17 | x 9.00 = | 153.00 | x = | | | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | 3 | minus 3 = | 3 | x 42.00 = | 0.00 | x = | | | |
| APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | | | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | | | | | | | |
| | | | | N/A | | N/A | | | |
| | | | | TOTAL | 153.00 | TOTAL | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | | | | | | | |
| APPLICATION AS AMENDED – PART II | | | | | | | | | |
| (Column 1) | | (Column 2) | | (Column 3) | | SMALL ENTITY | | OR OTHER THAN SMALL ENTITY | |
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | RATE (\$) | ADDITIONAL FEE (\$) | | |
| | Total (37 CFR 1.16(i)) | 21 | Minus | 37 | = 0 | x 25.00 = | 0.00 | x = | |
| | Independent (37 CFR 1.16(h)) | 3 | Minus | 3 | = 0 | x 100.00 = | 0.00 | x = | |
| | Application Size Fee (37 CFR 1.16(s)) | | | | | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | | |
| | | | | N/A | | N/A | | | |
| | | | | TOTAL ADD'L FEE | 0.00 | TOTAL ADD'L FEE | | | |
| (Column 1) | | (Column 2) | | (Column 3) | | SMALL ENTITY | | OR OTHER THAN SMALL ENTITY | |
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | RATE (\$) | ADDITIONAL FEE (\$) | | |
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = | x = | | x = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | x = | | x = | |
| | Application Size Fee (37 CFR 1.16(s)) | | | | | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | | |
| | | | | N/A | | N/A | | | |
| | | | | TOTAL ADD'L FEE | | TOTAL ADD'L FEE | | | |
| * If the entry in column 1 is less than the entry in column 2, write "0" in column 3. | | | | | | | | | |
| ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". | | | | | | | | | |
| *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". | | | | | | | | | |
| The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1. | | | | | | | | | |

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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